



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1A Joann L. McClay (Estate)**Case No. 06CEPR00372**

Atty Alexander, Thomas M., Jr. (of Beverly Hills, CA, for Former Administrator Jeffrey McClay)
Atty Kruthers, Heather H. (for Public Administrator)
Atty Stevenson, Tracy A. (of Orange, CA, for Surety, American Contractors Indemnity Company)
Probate Status Hearing

DOD: 7/27/05	PUBLIC ADMINISTRATOR was appointed Successor Administrator on 1/20/15. Letters issued 2/5/15.	NEEDS/PROBLEMS/COMMENTS:
	History: JEFFREY MCCLAY , Son, was appointed Administrator with Full IAEA with bond of \$252,000.00 on 5/23/06. Bond was filed and Letters issued 8/31/06. I&A filed 2/7/07 indicated residential real property valued at \$300,000.00.	<p>Note: Pursuant to Order Regarding Surety's Liability Upon Bankruptcy of Former Personal Representative entered 12/11/15, the Court set hearing on 12/15/15 for argument re the issues of the amount to be paid out on the bond.</p> <p>Minute Order 12/15/15: Ms. Kruthers and Ms. Stevenson will talk and try to resolve the issue of apportionment.</p> <p>Note: A status report was filed 2/3/16 by the Public Administrator. See Last Page.</p> <p>Declaration of Tracy A. Stevenson filed on 6/15/15 is actually an Objection therefore a filing fee of \$435.00 is due.</p>
Cont from 042115, 060915, 081815, 091515, 121515, 020916	On 5/10/07, a Request for Special Notice was filed by Probate Referee Steven Diebert. On 10/12/07, a Creditor's Claim of \$1,105.65 was filed by Cancer Care Associates of Fresno. There was no further activity in the estate the Court set the matter for status hearing in 2013.	
Aff.Sub.Wit.	On 9/10/14, Attorney Alexander filed a petition for final distribution on behalf of his absconded client pursuant to Probate Code §10953(c). The petition indicated that the Administrator borrowed a sum of money to satisfy obligations and expenses of the estate, secured by the real property, and intended to make a distribution to his sister, make necessary repairs, and assume the loan after closing. The attorney was unaware whether any distribution of loan proceeds was made, whether any payment to the sister was made, or whether any repairs were made on the residence. The attorney requested surcharge of the Administrator to the extent of any breach of fiduciary duty, etc., and also requested statutory and extraordinary attorney's compensation.	
Verified	Minute Order 1/20/15 states: The Court removes Jeffrey McClay and appoints the Public Administrator in order for them to pursue surcharging Mr. McClay on the bond. Tracy Stevenson requests time to have subpoenas issued and gather information. The Public Administrator is to submit a written status report for the 4/21/15 hearing.	
Inventory	Status Report Re Estate Assets filed 4/14/15 by Public Administrator states Deputy PA Noe Jimenez spoke with Mr. Alexander, who believed that the only asset, the residence, was lost to foreclosure. He later found out that Mr. McClay may have benefitted from a loan he secured against the residence – a line of credit for \$120,000.00 on the house in 2007. It appears he pulled all the credit line money out, and the residence was sold at a trustee sale in 2010 for \$155,000.00. Mr. Jimenez believes he has found an accurate address for Mr. McClay in Sacramento, CA. The PA and counsel agree that Mr. McClay should be surcharged the full amount of the property listed on the I&A, \$252,100 of which should be paid by the bond company, less any amounts that the company can recover or show were paid to benefit the estate.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Duties/Supp		
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 3/9/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1A - McClay

1A

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Declaration of Tracy A. Stevenson Regarding Discharge of Surety's Liability Upon Bankruptcy of Personal Representative filed 6/5/15 states: Jeffrey M. McClay, the decedent's son, was appointed administrator of the decedent's estate on or about 5/23/06. ACIC filed its administrator's bond on behalf of Jeffrey M. McClay in the penal sum of \$252,100 on or about 8/31/06. In applying for that bond, McClay executed an indemnity agreement wherein he agreed to indemnify and reimburse the surety for all losses, attorney fee, and costs of any nature resulting from issuance of the bond.

On or about 7/8/08, while still acting as administrator of the estate, Jeffrey M. McClay filed a Voluntary Petition for Bankruptcy in the Eastern District of California, Case Number 2008-14472. That petition disclosed that he was administrator of the estate and as such held titled to the decedent's real property, subject to an encumbrance, and that he was an heir of the estate.

Because he was administrator at the time he filed for bankruptcy protection, the estate is charged with having knowledge of the bankruptcy filing and will failing to take action to seek relief from the bankruptcy court to protect its interests or pursue a claim. As such the estate's claim against McClay has been discharged by the bankruptcy court and the estate is barred from pursuing surcharge against him.

Because a claimant is required by law to obtain a surcharge judgment against a fiduciary before the surety's liability arises, the estate is legally precluded from proceeding against the surety in this matter.

Because McClay is bound by an indemnity agreement to indemnify the surety for all losses and fees and costs in connection with the bond, pursuing the surety would cause post-discharge economic loss to McClay and interfere with the fresh start granted by his bankruptcy discharge. (The surety did not receive notice of the bankruptcy action and the bankruptcy discharge does not preclude the surety from seeking indemnity from McClay, which it would do.) See authority provided.

The declaration concludes that the estate's ability to pursue surcharge against Jeffrey McClay has been discharged by the bankruptcy court, and the estate's ability to pursue the surety on its bond is also discharged for two reasons: 1) a surcharge against McClay is a prerequisite to pursuing the surety, and a surcharge cannot be sought; and 2) pursuit of the surety would violate the fresh start objective of the Bankruptcy Code.

Response of Public Administrator to Declaration of Tracy A. Stevenson was filed 9/10/15.

SEE ADDITIONAL PAGES

Response of Public Administrator filed 9/10/15 states although Ms. Stevenson refers to her document as a declaration, it is in fact an objection to the surcharge of the former Administrator. Her client, American Contractors Indemnity Company, will therefore be referred to as Objector.

According to the Court docket, the former administrator's attorney filed a petition for final distribution on 9/10/14. The petition included surcharge of McClay and for liability on the bond. The hearing on that petition has been continued several times for the attorney to provide notice, surety company to conduct discovery and file an objection, and the PA to file a response to objections.

The PA states McClay's bankruptcy case is irrelevant to the surety's obligation to make good on its bond. See CCP §§ 996.410 and 996.460, which specifically authorize this surcharge action and make Objector's liability independent of McClay's liability. The purpose of a bond for estate administration is to ensure that the estate can be made whole in the event a fiduciary (McClay) absconds with funds, and is unable to make the estate whole. Under the facts of this case, McClay did not faithfully execute his fiduciary duties, but rather violated that duty by stealing assets from the estate. Under the clear terms of the bond, the obligations to remit payment to the estate remain "in full force and effect."

The estate's claim against McClay is NOT discharged because of his knowledge of his bankruptcy filing because his knowledge is NOT imputed to the estate. The estate's claim is not discharged simply because McClay, the fiduciary, was aware of his own bankruptcy. His duty is to the beneficiaries and creditors of the estate. He did not make his bankruptcy known to anyone who had standing to object to his fraudulent taking of estate assets. There is no evidence before this court that he advised the bankruptcy trustee or judge of his fraudulent taking of estate assets. The PA used the case number provided to view the Federal Court's online case information system. The Estate of Joann McClay is not listed among the creditors of this case. This is not surprising since the only way it would be listed would be for McClay to have revealed his theft from the estate to the bankruptcy trustee and judge. Simply put, his knowledge cannot be imputed to the beneficiaries and creditors because of his breach of fiduciary duty and conflict of interest.

The PA states obtaining a surcharge against the personal representative is NOT a prerequisite to pursuing a claim against the surety so the estate CAN pursue the surety. See CCP §§ 996.410 and 996.460, stating that the principal and surety are liable jointly and severally. The PA agrees with Objector that the liability of a surety comes only after entry of judgment; however, Objector provides no basis for her statement that "this is generally taken to mean ...surcharge against the principal." The statute stands on its own and merely states entry of judgment. The PA is doing just that, seeking an entry of judgment against the surety, as authorized by state law.

The estate is NOT barred from pursuing the surety bond because it would NOT violate the fresh start objective of the bankruptcy code. First, the fresh start concept is to protect the principal. Second, the concept is not intended to protect the principal from all judgments. See authority. Third, by seeking payment from the surety, the PA is not seeking a judgment against the principal and thus is not violating the principal's right to the fresh start. The surety will do that if it decides to seek indemnification from McClay after paying on its claim to the estate.

Conclusion: There being no argument that McClay embezzled from the estate, the PA requests the Court deny the objections and surcharge the surety company, ACIC, the amount of \$252,100, to be paid to the PA as successor administrator of the estate of Joann McClay.

Note: Tracy A. Stevenson, attorney for Surety, American Contractors Indemnity Company, filed a Reply on 9/14/15. The reply cites authority and concludes that to pursue recovery, one must first obtain a surcharge judgment against McClay. However, surcharge cannot be pursued because the estate's claim has been discharged by the bankruptcy court. It is respectfully requested that the Court deny the request to surcharge.

SEE ADDITIONAL PAGES

Status Report Regarding Estate Assets filed 12/2/15 by Public Administrator states at the status hearing on 9/15/15, the Court took this matter under submission as to the issue of whether or not the surety company is liable for full surcharge based on the bankruptcy issue. If the Court rules in favor of the Public Administrator, the matter will be set for further status regarding the apportionment of the surcharge. The underlying petition for final distribution was continued to 12/15/15.

To date, the Court has not issued a ruling regarding the surcharge. The 90th day will run on the date of this status hearing. Therefore, the Public Administrator requests that this matter not be set again before 60 days.

Status Report Regarding Estate Assets filed 2/3/16 by Public Administrator states the Court's ruling on the liability for the surcharge was issued on 12/11/15 finding in favor of the Public Administrator. The bond company requested time to argue re apportionment, thus the matter was continued.

Since that time, Senior Deputy County Counsel Heather Kruthers calculated the amount to be surcharged against Jeffrey McClay as \$163,895.33, which is approx. \$87,000 less than the full bond fee. Ms. Kruthers emailed that proposal to the bond company on 1/11/16, and followed up on 1/19/16. Attorney Tracy Stevenson responded that she was working on the numbers as well. On 1/29/16, Ms. Stevenson reported that she had requested information from the tax collector's office to determine if Mr. McClay had paid any property taxes, for which he would be credited against the surcharge.

As of the drafting of this report, Ms. Stevenson has not heard back from the tax collector. Therefore, she and the Public Administrator jointly request that this matter be again continued for 45 days, which will allow time for response and for the parties to prepare a stipulation for the Court's consideration.

(1) Petition for Final Distribution and (2) for Final Accounting, and (3) for Allowance of Statutory Attorney's Compensation and (4) for Extraordinary Attorney's Compensation, and (5) to Surcharge Personal Representative, and (6) for Liability on Probate Bond

DOD: 7/27/2005		THOMAS ALEXANDER, JR. , attorney for Jeffrey McClay, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 102914, 121515, 020916		JEFFREY MCCLAY was appointed Administrator on 5/23/06 with full IAEA authority and bond set at \$252,100.00. Bond was filed on 8/31/06 and Letters issued.		Minute Order 2/9/16: Counsel request additional time. Ms. Stevenson will address the filing fee issue.	
	Aff.Sub.Wit.				
✓	Verified				
✓	Inventory				
✓	PTC				
✓	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
✓	Letters	8/31/16			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202		X		
	Order		X		
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice	N/A			
			<p>I & A, part. 1, filed on 2/5/07 with a value of \$300,000.00.</p> <p>Creditor's Claims filed:</p> <ul style="list-style-type: none"> Cancer Care Associates - \$1,105.65 <p>Attorney fees - \$9,000.00 Attorney x/o - \$1,500.00 (for the filing of this petition) Costs - \$435.00 (filing fee)</p> <p>Petitioning attorney states that it is his belief that the Administrator borrowed a sum of money (probably in excess of \$15,000) for the purpose of satisfying obligations and expenses of the estate. It is petitioner's belief that the loan was secured by the estate's real property. The intention of the Administrator that he would (1) distribute a portion of the loan to satisfy an assignment of interest of his sister and co-heir of the estate, Melanie McClay, (2) make necessary repairs to the estate real property, and (3) assume the loan, in his individual capacity, after the close of the probate proceedings. Petitioner states he is unaware (1) whether any distribution of the loan proceeds was made, (2) whether any payment to Melanie McClay or any repairs were made, or (3) whether any payments on the loan were made.</p> <p>Please see additional page</p>	<p>Status Report of the Public Administrator filed on 12/2/15 states the court took the matter under submission as to the issue of whether or not the surety company is liable for full surcharge based on the bankruptcy issue. To date the court as not issue a ruling regarding the surcharge. Therefore the Public Administrator requests this matter not be set again before 60 days.</p> <ol style="list-style-type: none"> Need proof of service of the Notice of Hearing along with a copy of the petition on: <ol style="list-style-type: none"> Steven Diebert – pursuant to his Request for Special Notice. American Contractors Indemnity Company (bond) – pursuant to their Request for Special Notice. <p>Please see additional page.</p>	
			Reviewed by: KT		
			Reviewed on: 3/9/16 (skc)		
			Updates:		
			Recommendation:		
			File 1B – McClay		

Petitioning attorney states he is unaware whether any proceeds remain available for distribution. Petitioner is also unaware of the existence of any executed assignment of interest by Melanie McClay.

Petitioner request surcharge of the Personal Representative (1) to the extent of any breach of fiduciary duty or to the extent that estate funds have, through negligence or otherwise, become unavailable to the estate, (2) to the extent of any loss of her estate shares of the estate property by Melanie McClay, (3) of any monies that are due to the Probate Referee or any creditors of the estate, and (4) to the extent of any statutory compensation that are due this petitioning attorney, and for extraordinary services rendered in preparing this petition.

Wherefore Petitioning Attorney prays:

1. That the administration be brought to a close;
2. That this Final Account and Petition for Final Distribution and for Statutory and Extraordinary Attorney Fees and for Surcharge on the Personal Representative's Bond be approved as filed;
3. That the acts and proceedings of Petitioner as Administrator be confirmed and approved;
4. That this Petitioning attorney, be authorized and directed to pay himself \$9,000 in statutory and \$1,500 as extraordinary fees and \$435.00 for reimbursement of costs;
5. That the Administrator be surcharged in an amount calculated to pay the statutory and extraordinary fees and reimbursement of costs in the sum of \$10,935, and that Cancer Care Associated in the amount of \$1,105.65, and that distribution of on half of the remaining trust estate be paid to Melanie McClay to make her whole as the Administrator's co-heir. That any remaining estate property after proper payments of costs of administration and the ½ interest of his co-heir be paid to Jeffrey McClay, Administrator.

NEEDS/PROBLEMS/COMMENTS (Cont.):

2. Petition is signed and verified by the attorney using a cursive computer font. Need original signature.
3. Petition states that it is the attorney's belief that fees remain due to probate referee Steven Diebert. However the petition does not indicate the balance of the fees due nor does it request payment of said fees.
4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board
5. Petition alleged Jeffrey McClay absconded with the estate. However the petition does not indicate what efforts were made to locate Jeffrey McClay.

NEEDS/PROBLEMS/COMMENTS (Cont.):

6. Attorney Thomas Alexander is requesting extra ordinary fees for the filing of this petition. The request for extraordinary fees does not comply with California Rules of Court, Rule 7.702. In addition,

Probate Code § 12205 indicates the court may reduce the compensation of the personal representative or attorney for the personal representative by an amount the court determines appropriate if the court makes all of the following determinations:

- 1) The time taken for administration of the estate exceeds the time required by this chapter or prescribed by the court.
- 2) The time taken was within the control of the personal representative or attorney whose compensation is being reduced.
- 3) The delay was not in the best interest of the estate or interested persons.

Probate Code § 12200 states the personal representative shall either petition for an order for final distribution of the estate or make a report of the status of administration not later than the following times:

- a) In an estate for which a federal estate tax return is not required, within one year after the date of issuance of letters.

In this matter there was no activity by the attorney or the personal representative from 2/5/07 until the matter was set for a status hearing by court staff on 3/7/14. The attorney and the personal representative did not appear at the status hearing on 3/7/14. An Order to Show Cause was issued and the matter continued to 5/2/14. On 5/2/14 the attorney and the personal representative again did not appear. The court imposed sanctions on the attorney for \$500 and continued the matter to 5/23/14. On 5/23/14 the attorney appeared (but did not file a written status report as required by Local Rule 7.5C). The attorney made representations to the court and the court rescinded the previously issued sanctions. The status hearing was continued to 8/7/14. On 8/7/14 the attorney appeared (but again did not file a written status report as required by Local Rule 7.5C) and the status hearing was continued to 9/25/14. On 9/10/14 this Petition was filed. There is no explanation as to why the estate was delayed for over 7 years.

7. Need Order.

**2A Ruby Garcia, Jessica Garcia, Isaiah Venegas, Case No. 11CEPR00125
Ruben Venegas and Faith Rose Venegas (GUARD/P)**

Petitioner Cardenas, Monica (Pro Per – Paternal Aunt – Petitioner)
Guardian Grider, Helen D. (Pro Per – Guardian)

Petition for Change of Guardianship

See petition for details.			NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition pertains to the minor Jessica only. 1. If this petition goes forward, need Notice of Hearing and proof of service on the minor and all relatives pursuant to Probate Code §1460(b)(5).
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 3/10/16
			Updates:
			Recommendation:
			File 2A- Garcia / Venegas

2A

**2B Ruby Garcia, Jessica Garcia, Isaiah Venegas, Case No. 11CEPR00125
Ruben Venegas and Faith Rose Venegas (GUARD/P)**

Petitioner Cardenas, Monica (Pro Per – Paternal Aunt – Petitioner)
Guardian Grider, Helen D. (Pro Per – Guardian)

Petition for Appointment of Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: Note: This petition pertains to the minor Jessica only. 2. If this petition goes forward, need Notice of Hearing and proof of service on the minor and all relatives pursuant to Probate Code §1511.
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X		
<input type="checkbox"/>	Aff.Mail	X		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3/10/16	
			Updates:	
			Recommendation:	
			File 2B- Garcia / Venegas	

2B

Second Amended First and Final Report and Account of Administrator; for Allowance of Statutory Attorneys' Fees and Costs; Allowance of Statutory Administrator's Fees and for Final Distribution

DOD: 6/2/11		TONI RICHARDSON , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Fee base is incorrect. The fee base fails to include the \$5,500.00 loss on the sale of the real property. The correct fee base is \$172,824.57 resulting in statutory fees of \$6,184.74 2. Petition states the Rejection of the Creditor's Claim for DMC in the amount of \$358.63 was filed on 1/22/16. There is no record of said filing. - California Rules of Court, Rule 7.401 states that for each creditor's claim filed the Administrator must (1) Allow or reject the claim (2) serve a copy of the claim on the creditor (3) file a copy with proof of service with the court. Please see additional page.
		Account period 2/22/12 – 12/31/15	
		Accounting - \$178,324.57	
		Beginning POH - \$177,550.00	
		Ending POH - \$106,368.64	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Attorney - \$6,350.00 (greater than statutory)	
<input checked="" type="checkbox"/>	Inventory	Administrator - \$6,350.00 (greater than statutory)	
<input checked="" type="checkbox"/>	PTC	Attorney costs - \$435.00 (filing fee)	
<input checked="" type="checkbox"/>	Not.Cred.	Reimbursement of costs to Administrator - \$19,488.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states Objector, William (Bill) Richardson retained his own attorney to file an Objection to Petitioner's original Petition and Account. After a great deal of conflict and negotiation, an agreement was finally reached between the parties. David Huynh, attorney at Lawvex, drafted the agreement and it was sent to all parties for signature. During that signature process Mr. Richardson stopped cooperating with Mr. Huynh, who subsequently petitioned the court to be removed as counsel of record for Mr. Richardson. That request was granted and Mr. Huynh did not execute the final agreement. Mr. Richardson did sign the agreement, but failed to "initial" one of the pages which required his initials. Mr. Richardson has failed to respond to requests for contact from Linda K. Durost, attorney for Petitioner, to initial the final page, or to confirm his continued agreement with the settlement. Lawvex filed an Attorneys' Fees lien in the sum of \$4,995.29. Petitioner requests the court approve the payment of that lien directly from Mr. Richardson's final distribution amount.	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	2/22/12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Proposed Distribution, pursuant to intestate succession and Settlement Agreement, is to:

Toni Richardson	-	\$32,745.64
Bill Richardson	-	\$41,000.00 (less his attorneys' fees lien in the sum of \$4,995.29 as filed by his former attorney Lawvex, Inc.)

NEEDS/PROBLEMS/COMMENTS (cont.)

3. Request for Reimbursement of Costs includes an entry on 3/10/13 for \$500 to Warren Felger for filing fees. However the estate was open with a fee waiver a later entry shows the petitioner paid and is requesting reimbursement for the filing fees for the initial petition.
4. Petition indicates petitioner distributed the personal property valued at \$500.00 to herself. Request for Reimbursement of Costs includes \$2,188.09 in storage fees to Darrell's Storage. It is unclear why the estate should pay for storage of items distributed to the petitioner. Or why the estate should pay storage fees that exceed the value of the property. In addition, the storage fees vary each month from \$95.00 to \$198.00. Generally, storage fees are a set charge and do not fluctuate. Court may require clarification.
5. Petition indicates the petitioner distributed the automobile valued at \$1,550.00 to herself. Request for Reimbursement of Costs includes \$173.50 for DMV renewal in May 2012 (almost a year after the death of the decedent) and another DMV renewal charge of \$157.00 in May 2013. It is unclear why the estate should pay for the DMV renewal charges for a vehicle distributed to the petitioner. Court may require clarification.

Second and Final Account and Report of Conservator; Petition for Compensation to Conservator and her Attorney; Authorizing Sale of Personal Property and Distribution of Proceeds

DOD: 6/23/15	PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 2/2/16: Counsel requests continuance to confirm payment of fees to Dowling Aaron. The following issues remain noted: 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all heirs plus the office of the Veterans Administration pursuant to Probate Code §§ 1460, 1461.5 and including a copy of the petition to those that requested special notice pursuant to Probate Code §1252. 3. Need §13100 Declaration from Debbie Covey. 4. Petitioner's math and distribution appears to be slightly off. Examiner calculates that the commissions, fees and costs total \$13,677.96, not \$13,707.08, which leaves \$14,525.75 for distribution, a difference of \$29.12. Although this is a minimal difference, the Court may require distribution to be recalculated.
Cont. from 020216	Account period: 4/16/14 – 6/23/15 Accounting: \$174,403.00 Beginning POH: \$139,898.87 Ending POH: \$92,227.29	
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	x	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order	The beneficiaries under the decedent's will (Exhibit D) are her three children, Diana Rodrigues, Robert Chrest, and Debbie Covey. Petitioner states after payment of the allowed commissions, fees, and costs totaling \$13,707.08, Petitioner requests distribution of the remaining cash of \$14,496.63 be made in three equal shares to the beneficiaries, equal 1/3 shares of sale proceeds, and equal 1/3 shares of any other property of the deceased Conservatee not now known or discovered.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

SEE PAGE 2

Reviewed by: skc

Reviewed on: 3/9/16

Updates:

Recommendation:

File 4- Chrest

Page 2**Petitioner prays for an order:**

1. Approving, allowing and settling the Second and Final Account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee;
4. Authorizing Petitioner to sell the personal property as described above and distribute the proceeds;
5. Authorizing distribution of the balance of the property on hand as set forth above; and
6. In the event the whereabouts of the heirs are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code §11850(a); and
7. Any other orders the Court considers proper.

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

	The Current Letters of Temporary Conservatorship expire on 01/12/16	NEEDS/PROBLEMS/COMMENTS:
Cont. from 061615, 091515, 120815, 011216	On 07/26/13, DIANE HUERTA , daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.	Minute Order 1/12/16:
Aff.Sub.Wit.	Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.	Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied. Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.
Verified	Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this Court. The Temporary Letters of Conservatorship have been extended numerous times.	Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.
Inventory	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	1. Need Final/Supplemental account from Temporary Conservator Bruce Bickel.
PTC	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	Reviewed by: JF/skc
Not.Cred.	Continued on Page 2	Reviewed on: 3/10/16
Notice of Hrg		Updates:
Aff.Mail		Recommendation:
Aff.Pub.		File 5 - Loeffler
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Page 2

Status Report of Petitioner Dianne Huerta filed 01/11/16 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin were to be drafted by Jennie Barkinskaya (the Loeffler's attorney), but to Petitioner's knowledge have not been completed. Shortly after the 12/08/15 hearing, Ms. Austin advised that Ms. Barkinskaya refused to speak to her. To date, no draft of the advance health care directives has been received or durable power of attorney as agreed upon.

On 12/16/15, Ms. Barkinskaya petitioned the court to have her firm relieved as counsel for Dr. and Mrs. Loeffler. That hearing is set for 02/10/16. It is Petitioner's belief that Dr. and Mrs. Loeffler have had at least 5 attorneys involved in this case. Because of the long list of attorneys who have attempted to represent Dr. and Mrs. Loeffler and because Petitioner has reason to believe that their representation has been compromised by Mick Loeffler, Petitioner will be petitioning the Court to appoint independent counsel. Petitioner hopes to have that petition heard at the same time as Ms. Barkinskaya's Motion to Be Relieved as Counsel currently set for 02/10/16.

Meanwhile, Petitioner will be contacting all parties to determine dates at which the matter can be brought before Judge Broadman (ret.) for appointment of the healthcare representative and durable power of attorney as provided in the settlement agreement. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives and durable power of attorney have been finalized.

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

		<p>The Current Letters of Temporary Conservatorship expire on 01/12/16.</p> <p>On 07/26/13, DIANE HUERTA, daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.</p> <p>Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.</p> <p>Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court in this matter and the Temporary Letters of Conservatorship have been extended numerous times.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1/12/16: Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied. Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.</p> <p>Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.</p>
Cont. from 061615, 091515, 120815, 011216			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		<p>Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.</p> <p>Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.</p>	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report		<p>2. Need Final/Supplemental account from Temporary Conservator Bruce Bickel.</p>	
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Attorney	Bagdasarian, Gary G. (for Linda Plitt – daughter)
Objector	Loeffler, Mick (pro per – son)
Attorney	Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
Attorney	Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing

		<p>On 08/19/13, DIANE HUERTA, daughter of Trustor's Fred and Kathleen Loeffler, filed a Petition to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees, Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction and Prohibition of Further Distributions to Mick Loeffler.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 061615, 091515, 120815, 011216</p>		<p>Since 08/19/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court.</p>	<p>Minute Order 1/12/16: Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.</p>
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC	<p>On 04/28/15, Diane Huerta, filed a Notice of Motion and Motion to Disqualify Conservatees' Attorneys of Record. The matter was heard on 06/10/15 and the took the matter under submission.</p>	<p>Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.</p>
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.	<p>Order After Hearing on Petition to Disqualify Conservatee's Counsel of Record denying the motion was filed 09/04/15.</p>	<p>Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.</p>
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	<p>Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.</p>	<p>Reviewed by: JF/skc</p>
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	<p>Continued on Page 2</p>	<p>Reviewed on: 3/10/16</p>
	9202		
	Order		
	Aff. Posting		
	Status Rpt	<p>Updates:</p>	<p>Recommendation:</p>
	UCCJEA		
	Citation		
	FTB Notice		<p>File 7 - Loeffler</p>

Page 2

Status Report of Petitioner Dianne Huerta filed 01/11/16 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin were to be drafted by Jennie Barkinskaya (the Loeffler's attorney), but to Petitioner's knowledge have not been completed. Shortly after the 12/08/15 hearing, Ms. Austin advised that Ms. Barkinskaya refused to speak to her. To date, no draft of the advance health care directives has been received or durable power of attorney as agreed upon.

On 12/16/15, Ms. Barkinskaya petitioned the court to have her firm relieved as counsel for Dr. and Mrs. Loeffler. That hearing is set for 02/10/16. It is Petitioner's belief that Dr. and Mrs. Loeffler have had at least 5 attorneys involved in this case. Because of the long list of attorneys who have attempted to represent Dr. and Mrs. Loeffler and because Petitioner has reason to believe that their representation has been compromised by Mick Loeffler, Petitioner will be petitioning the Court to appoint independent counsel. Petitioner hopes to have that petition heard at the same time as Ms. Barkinskaya's Motion to Be Relieved as Counsel currently set for 02/10/16.

Meanwhile, Petitioner will be contacting all parties to determine dates at which the matter can be brought before Judge Broadman (ret.) for appointment of the healthcare representative and durable power of attorney as provided in the settlement agreement. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives and durable power of attorney have been finalized.

Amended First Account and Report of Conservator; Allowing Fees to Conservator of the Estate and Attorney for Conservator, Allowing Conservator to Invade Conservatee's 401(k) Plan to Assist in Providing for Conservatee's Care and Finding that Conservatee Lacks the Ability to Vote

		<p>BETTY FARMER, Mother and Conservator of the Person and Estate with bond of \$61,250.00, is Petitioner.</p> <p>Account period: 3/26/14 – 3/31/15 Accounting: \$165,739.31 Beginning POH: \$138,586.82 Ending POH: \$130,404.23 (\$113,067.23 cash plus non-cash assets including a 100% interest in misc. personal property and a 50% community property interest in two vehicles)</p> <p>Conservator states \$13,264.75 has been reimbursed to Petitioner during account period representing less than a one-third share of household expenses, and is far less per month than a full time care facility or an apartment, assuming she could care for herself.</p> <p>Conservator requests compensation of \$30,000.00 for 10-14 hours per day caring for the Conservatee at a minimum of \$100/day (\$7.14/hr) for the care and assistance provided during all waking hours.</p> <p>Attorney: \$15,643.38 (\$14,753.00 for 64.10 attorney/ associate hours @ \$195-275/hr, plus \$890.38 in costs including photocopies, postage, mileage, other costs advanced. Note: \$9,689.63 has already been paid to the attorney by Petitioner from her own funds. \$5,063.37 remains due to the attorney and Conservator requests reimbursement of the \$9,689.63.</p> <p>Petitioner states at appointment she was a co-holder of an account with Comerica Bank on behalf of the Conservatee, which received Conservatee's Social Security benefits. All funds in this account are Conservatee's and have never been commingled with Petitioner's funds. Petitioner will take steps to convert this account to the name of the conservatorship estate prior to hearing on this matter. Petitioner now realizes that the Comerica account was inadvertently not inventoried on the Inventory and Appraisal; however, all transactions are detailed in this account and statement are provided.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 2/2/16: Ms. Boyett proposes a withdrawal of enough funds from the 401k to cover 14 months of care at Paintbrush Assisted Living, at which time parties can reassess the situation. The Court reiterates its admonishment regarding tax consequences and assumption of the risk. The matter is continued for paper proof with regard to the Comerica account being titled in the name of the conservatorship and information as to where the money from the sale of the vehicles went. The remaining items on the Examiner's Notes will have to be determined by the Court, and the Court indicates that it will take the matter under submission on 3/15/16.</p> <p>Note: Please see additional pages re status report and stipulation filed 1/28/16. As of 3/9/16, nothing further has been filed.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 102015, 120815, 020216				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			3/26/14
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 3/9/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Hendricks</p>		

Page 2

Petitioner states she personally deposited \$3,000.00 of her own funds in order to open the Bank of the West account because she believed she was supposed to open a separate account and did not wish to take funds from the Comerica account to do so. The Comerica account was not a checking account, but a debit account. *[Examiner's Note: This amount has been reimbursed to Petitioner per Schedule C.]*

Petitioner states the Inventory and Appraisal filed with the Court identified the Conservatee's 401k plan from CVS Pharmacy earned by the Conservatee in part during her marriage to her current husband, Jeffrey Hendricks. The value at that time was estimated by telephonic access to be \$102,349.28. Subsequent to filing the I&A, Petitioner received a Participant Statement which shows a balance as of 12/31/14 of \$104,973.25. Personal oral requests and written requests from counsel to CVS Future Fund requesting a written account balance as of 3/31/15 went unanswered. This Amended First Account will use the financial data set forth in the statement dated 12/31/14 for continuity.

Petitioner states the two vehicles noted in the I&A as owned 50% by the Conservatee are in the possession of Conservatee's husband as the Conservatee does not drive.

Petitioner states the Court has inquired as to several gifts provided by the Conservatee over the past year. *(Prior Examiner Notes requested clarification re approx. \$350.00 used for gifts during the account period with reference to Duties of Conservator.)* Petitioner states the gifts were to close family on special days, including a mother's day bouquet. If the court desires the money be returned, she will reimburse the conservatorship.

Petitioner states that additional costs of part-time in-home care has resulted in a monthly negative cash flow scenario, as Teresa's social security disability payments will not completely cover her required care. This negative cash flow has eroded Conservatee's excess liquid cash to the point that only a few more month of excess cash remain to cover her expenses. In light of this fact, Petitioner requests the Court issue an order directing the trustee or custodian of Teresa's CVS Caremark Future Funds 401k Plan to allow Conservator access to the 401k proceeds to care for Conservatee. She believes the 401k Plan funds are community property assets but can and should be used for the care, maintenance and support of Conservatee. Attorney Logoluso's declaration states he does not believe accessing these funds subject's Conservatee to IRS penalties for early withdrawal in light of Conservatee's obvious need for appropriate care. Authority cited.

Petitioner requests that:

1. The Court find that Notice of Hearing of this account, report and petition was given as required by law;
2. The Court make an order approving, allowing and settling the attached account and report of Conservator as filed;
3. The Court authorize Petitioner to pay herself \$30,000.00 as compensation for services rendered as Conservator of the estate and person during the accounting period;
4. The Court authorize Petitioner to reimburse herself \$9,689.63 for costs and fees associated with the creation of the conservatorship;
5. The Court authorize Petitioner to pay her attorneys \$5,063.37 for legal services rendered during the accounting period;
6. The Court issue an order allowing for the use of Conservatee's 401k plan proceeds be authorized by the Court to be utilized for the payment of institutionalized care for Conservatee;
7. The Court order that Conservatee is not able to complete an affidavit of voter registration in accordance with Elections Code §2150, and is not entitled to vote; and
8. The Court make such other relief as it considers proper.

SEE ADDITIONAL PAGES

Page 3

Status Report and Declaration of Mark A. Blum filed 12/2/15 states he met with the conservator and her son, the conservatee's brother, on 11/30/15. The Conservatee now requires continuous supervision and is estimated to be functioning at the level of a three year old. For example, she no longer knows she will be burned if she touches hot cookpots in the kitchen, and is completely incontinent and requires assistance with all functions including dressing. The need for constant supervision now exceeds the physical stamina of the conservator and her older husband, and they are exhausted. It is now necessary to place Teresa in an appropriate care facility. Attached is a letter from Suzanne Hirata, the conservatee's aunt. Ms. Hirata has also been a caregiver to other members of the family who have suffered from Early Onset Alzheimer's Disease. She believes that placing Teresa in a skilled nursing facility is not in Teresa's best interest. Ms. Hirata intends to attend the hearing and is willing to provide testimony regarding her recommendation for Teresa's care.

The Conservator has visited a number of facilities that could provide the care that Teresa needs and believes that Paintbrush Assisted Living and Memory Care in Fresno with a monthly cost of \$4,495 would best serve Teresa and is the most economical. See declaration re other facilities reviewed. For the reasons set forth in Ms. Hirata's letter, the Conservator believes that Paintbrush would be the best facility.

The Conservator again requests that the Court issue an order directing that CVS/Caremark's Future Fund Management to provide access to sufficient funds from Teresa's 401k plan holdings in order to provide for the cost of her care that she now needs.

At the previous hearing there was some discussion of whether the conservator should begin proceedings for a legal separation of Teresa from her husband. When Teresa was still able to express an opinion on this point, she took great pride in her marriage. When conservatorship was established, there was considerable dispute over whether her husband Jeff or the present conservator should become conservator. However, in the past year, Jeff and Teresa's children have had little or no contact with Teresa, and notice of the last hearing was returned undeliverable. Despite the lack of communication, Jeff still carries Teresa on his medical insurance, and the Conservator does not believe it would be beneficial to have that insurance coverage change or disappear, and neither the conservator nor the conservatee's finances could pay for a legal separation of dissolution at this time.

Status Report and Declaration of Mark A. Blum in Support of Amended Petition filed 1/28/16 states at this point, Teresa requires continuous supervision and is presently functioning at the level of a 3-year-old. The need for constant supervision exceeds the physical stamina of the conservator and her husband and it is necessary to place her in a care facility. At the previous hearing, the Court gave permission to place her in an appropriate care facility, but specified that the conservator would be limited to accessing only the funds necessary for two months of care from the retirement savings account. At that time, the court seemed to indicate that the conservator or her attorneys would be responsible if tax penalties were imposed in connection with such withdrawals. Consequently, the conservator has not accessed the account and continues to be cared for in the conservator's home.

Deborah Boyett, attorney for the Conservatee, was able to locate and communicate with Jeff Hendricks, the conservatee's husband. Filed concurrently is a stipulation by Mr. Hendricks in which he consents to the use of her retirement savings, subject to the conditions stated therein, and this Court's approval. Mr. Hendricks consulted with his attorney, Tres Porter, concerning the stipulation.

Subsequent to the last hearing, they were able to obtain an electronic copy of the CVS/Caremark Future Fund Management Plan Summary, which indicates that payments from the conservatee's retirement account are available for withdrawal upon disability, and provides tax information.

SEE ADDITIONAL PAGES

Page 4

Status Report filed 1/28/16 (Cont'd): Mr. Blum admits that the intricacies of the US Tax Code with respect to disability payments of retirement funds are beyond his expertise. With that in mind, the Court may choose to direct the conservator to obtain more skilled legal counsel on this matter before accessing the retirement account for her necessary care; however, it would appear that the Conservatee is disabled as identified by the IRS. See report for details, authority.

Mr. Blum states neither the conservator nor her attorney is willing to become guarantors of liabilities for taxes or penalties incurred for the purpose of providing what they believe to be the best and appropriate level of care for the Conservatee. The conservator and her attorney request clarification from the Court regarding the potential tax liability.

In light of the limited financial resources and in the interest of moving forward, the Conservator's attorneys are willing to waive any further payment of fees in this matter for work completed to date. As noted, the need for constant supervision exceeds the stamina of the conservator and they are becoming exhausted. With the continuing deterioration of Teresa's condition and increased demands it has become ever more urgent to place her in a care facility. The Conservator therefore requests that the Court rule on her prior requests by approving or modifying the previously proposed order or directing counsel to prepare a new order which may include the provisions of Mr. Hendricks' Stipulation.

Stipulation by Jeff Hendricks filed 1/28/16 states he is the husband of Teresa Hendricks. They were married 6/11/88. During the course of their marriage, both worked when able, and both participated in retirement savings plans offered by their respective employers. In or about 2012, they made withdrawals from retirement savings to cover living and relocation expenses, which resulted in the IRS requiring them to pay more than \$10,800 in additional taxes, penalties and interest, and they currently owe approx. \$10,000 to the IRS. Mr. Hendricks has entered into a payment plan with the IRS to make monthly payments of \$150 on this obligation from his own wages.

Subject to the Court's approval, Mr. Hendricks is willing to stipulate that Teresa's retirement savings with CVS/Caremark may be used for her care and medical needs at a board and care facility subject to the following conditions:

- a. That Mr. Hendricks be complete indemnified and held harmless for any tax liabilities or penalties that may arise in connection with future withdrawals for the purposes specified above;
- b. That the funds be used only to pay the board and care facility and providers of medical care and similar services, and only on the payment schedule required by such providers; and
- c. That none of the retirement funds are utilized to pay Conservator's requested \$30,000 in compensation as requested in the petition.

Mr. Hendricks states two vehicles are listed on the I&A filed by the conservator on 6/24/14. He and Teresa no longer own or operate either of these vehicles and to the best of his knowledge, Teresa's name is no longer shown as owner or operator of any motor vehicle.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS: The following issues remain noted for reference:

1. The Court may require proof of titling the Comerica account in the name of the conservatorship estate as noted in the petition.
2. Petitioner reimbursed herself for expenses associated with the conservatorship in the amount of \$13,264.75 without Court authorization in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755.
3. Attorney requests a total of \$15,643.38 in fees and costs, and has already received and accepted payment of \$9,689.63 in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755, etc.

Petitioner clarifies that the payment was made by Petitioner personally and not from the conservatorship estate, and Petitioner is now requesting authorization to reimburse herself for that amount; however, this does not negate the fact that the attorney received payment for services in connection with the establishment of the conservatorship without prior Court authorization.

4. Further, the Court may require clarification with regard to the total amount of attorney's fees requested with reference to Probate Code §2640 as to how this amount is just and reasonable given the value and status of the conservatorship estate. See amount authorized by Local Rule 7.16 for comparison.
5. Similarly, the Court may require clarification as to how compensation to Petitioner of \$30,000.00 is just and reasonable given the value and status of the conservatorship estate.
6. Total Disbursements exceed receipts by over \$11,000.00. Petitioner requests to invade the Conservatee's 401k plan to continue to provide the level of care required by the Conservatee; however, given the Conservatee's income level, given the amount available within the 401k account, and given the amount of compensation that is requested by both the Conservator herein, the attorney herein, and future needs, the Court may require further clarification regarding the level of spending for misc. items, clothes, etc., and may require a budget going forward.
7. The Court may require further additional information regarding Petitioner's request to invade the Conservatee's 401k account for the cost of the Conservatee's care. The attorney notes that he does not believe there will be tax penalties; however, the petition also states this account may be community property of the Conservatee's marriage, although it was inventoried as hers alone. Specifically, the Court may require clarification as to whether input may be necessary from the Conservatee's spouse of over 25 years, Jeffrey Hendricks.
Update: Please see Stipulation filed by Mr. Hendricks on 1/28/16.
8. Petitioner explains that the two vehicles owned conservatorship estate assets remain in possession of the Conservatee's husband. The Court may require clarification regarding how the vehicles are titled, and given that they are not in Conservator's possession, may require clarification regarding potential liability to the conservatorship estate.
Update: Mr. Hendricks' Stipulation states he and Teresa no longer own the vehicles. Need further information as it does not appear the conservatorship estate was compensated for Teresa's share upon sale."

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

9. Attorney requests reimbursement for costs that are considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including photocopies, postage, travel costs. The Court may strike \$45.38 from the order for the following items:
 - \$22.20 photocopies
 - \$11.88 postage
 - \$11.30 mileage
10. Bond: If access to the 401k is granted, bond will need to be increased. Examiner calculates that bond should be increased to at least \$168,139.82 or an increase of \$106,889.82, calculated based on the value of all assets at the close of the account period plus income including Social Security and dividends as noted in Receipts.

Note: If granted, the Court will set a status hearing for the filing of the next account as follows:

- Tuesday, June 21, 2016 if a one-year account is required or
- Tuesday, June 20, 2017 if a two-year account is required.

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 5/22/13	TERRI JEAN , Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, filed a First Account on 2/25/15, which was set for 4/7/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need final account.
Aff.Sub.Wit.	RANDI POE , Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	On 4/7/15, the matter was set for trial; however, on 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement.	
Pers.Serv.		
Conf. Screen		
Letters	At settlement conference on 5/19/15, the Court set a status hearing re agreement and trial.	
Duties/Supp		
Objections		
Video Receipt	Minute Order 12/15/15 states: Counsel represent that they have settled the dispute. The First Account of Administrator, and Petition for its Settlement, along with the Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate are reset as well for disposition. Hearing set on 3/15/16 for status re filing first or final account.	
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 3/9/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9 - Jean

Attorney Nancy J. LeVan (for Petitioner Gary Morris, Jr., Beneficiary)
 Attorney Jennifer Walters (for Walter A. Morris, Successor Trustee)

Petition to Compel Accounting by Trustee of the Gary F. Morris, Sr. 2013 Trust and Petition for Distribution of Trust Assets to Doug Standing, Trustee of the Gary Morris, Jr. Trust and Petition for Fees and Costs

DOD: 10/19/2013	GARY MORRIS, JR. , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states:	Page 10B is a Fee Waiver Review.
	<ul style="list-style-type: none"> WALTER A. MORRIS was appointed as Successor Trustee of the GARY F. MORRIS, SR., 2013 TRUST on 4/1/2014 [copy of Trust attached as Exhibit A to Declaration of Clerical Error and Omissions filed 10/2/2015]; The GARY F. MORRIS, SR., 2013 TRUST terms provide that the balance of the Trust estate, including all assets poured into the Trust as a result of Trustor's death, is to be distributed to BARBARA TURNER, Trustee of the GARY F. MORRIS, JR., TRUST; BARBARA TURNER resigned as Trustee of both Trusts, and WALTER A. MORRIS was appointed as Successor Trustee; Petitioner requests the Court compel WALTER A. MORRIS, as Trustee of the GARY F. MORRIS, SR., 2013 TRUST, to distribute the remaining assets in the GARY F. MORRIS, SR., 2013 TRUST to DOUG STANDING, Trustee of the GARY F. MORRIS, JR., TRUST within 30 days of the order approving this petition; GARY F. MORRIS, SR., 2013 TRUST terms provide that the Trustee shall periodically, but not less than once each year, render an account of its administration of the Trust(s) under the Trust instrument to all current income beneficiaries; GARY F. MORRIS, SR's., date of death is 10/9/2013 [sic]; WALTER A. MORRIS was appointed as Successor Trustee on 4/1/2014; to date, no accounting has been received from WALTER A. MORRIS. 	Continued from 2/9/2016. Minute Order states counsel requests additional time.
Cont. from 100615, 111715, 010516, 020916		Notes for background:
Aff.Sub.Wit.		<ul style="list-style-type: none"> Minute Order dated 1/5/2016 from the last hearing states Ms. Walters represents that there have been continued difficulties in obtaining the bank statements, but the accounting is otherwise completed and ready for filing. Ms. LeVan agrees to the accounting being filed without the missing statements; Ms. Walters will proceed with the filing. Court records do not show an accounting has been filed as of 3/10/2016. Order on Ex Parte Petition for Payment of Allowance to Gary Morris, Jr. for Housing Pursuant to Article 2, Section 2.04(D) of the Gary Morris, Sr. Revocable Trust dated 9/3/2013 filed on 1/29/2016 was withdrawn and dismissed on 3/10/2016.
✓ Verified		
Inventory		
PTC		
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✓ Notice of Hrg		
✓ Aff.Mail	W /	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	~Please see additional page~	
		Reviewed by: LEG
		Reviewed on: 3/10/16
		Updates:
		Recommendation:
		File 10A – Morris

Petitioner prays the Court Order:

1. An accounting from **WALTER A. MORRIS** from the period when he was Successor Trustee of the **GARY F. MORRIS, SR., 2013 TRUST** from 4/1/2014 until 8/31/2015;
2. **WALTER A. MORRIS**, Successor Trustee of the **GARY F. MORRIS, SR., 2013 TRUST**, [shall] distribute all of the remaining assets in the **GARY F. MORRIS, SR., 2013 TRUST** to **DOUG STANDING**, Trustee of the **GARY F. MORRIS, JR., TRUST** within 30 days of the signed of the order approving this Petition;
and
3. Allowing attorney fees and costs to Petitioner to be paid by Walter Morris for failure to file accounting and distribute assets pursuant to **GARY F. MORRIS, SR., 2013 TRUST** terms.

Notes:

- Petition was filed using a fee waiver, which is currently pending. The **\$435.00** filing fee is appropriately payable from Trust assets. *Declaration of Clerical Error and Omissions* filed 10/2/2015 states Petitioner agrees that a filing fee should be paid by Walter Morris, Trustee of the **GARY F. MORRIS, SR., 2013 TRUST**; however, Walter Morris is not communicating with the beneficiary, Gary Morris, Jr., his attorney, nor the Successor Trustee of the **GARY F. MORRIS, JR., TRUST**; the beneficiary has no access to funds of the Trust.
- *Order Setting Bond Amount* filed 4/25/2015 set bond at **\$286,000.00**, proof of which was filed on 5/9/2014. *Order Reducing Bond Amount* filed 5/13/2015 finds that the bond amount for **WALTER A. MORRIS**, as Trustee of the **GARY F. MORRIS, SR., 2013 TRUST** is reduced to **\$152,137.88**, which is the amount of net proceeds [distributed to the seller of the Trust real property] plus 10%.
- *Declaration of Clerical Error and Omissions* filed 10/2/2015 attaches as *Exhibit B* a copy of the bond renewal that was mailed to Walter Morris, and states it is unknown what Walter Morris did with it.

Attorney Nancy J. LeVan (for Petitioner Gary Morris, Jr.)

Fee Waiver Review

DOD: 10/19/2013	CONFIDENTIAL	NEEDS/PROBLEMS/COMMENTS:
Cont. from 100615, 111715, 010516, 020916		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 3/10/16
		Updates:
		Recommendation:
		File 10B – Morris

10B

Attorney Eric R. Brown, of Carmichael (for Petitioner Lee X. Yang, Administrator)

First Account and Report of Status Administration

DOD: 1/16/2014		<p>LEE X. YANG, nephew, was appointed Administrator with Full IAEA Authority without bond on 7/7/2014. Letters issued on 7/23/2014.</p> <p>Account period: 7/23/2014 – 9/16/2015</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$319,500.00</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$319,500.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$319,500.00</td> </tr> </table> <p>(real property on 489 Silva Ave., Marysville, Yuba County; no cash)</p> <p>Administrator states:</p> <ul style="list-style-type: none"> During the period of administration, all 8 of Decedent's children disclaimed, and written disclaimers were filed with the Court; With all children having disclaimed, the Decedent's surviving spouse, CHA YANG LEE, was the only heir at law claiming an interest in the Decedent's estate; However, Decedent's spouse CHA YANG LEE died on 5/11/2015; Prior to her death, she established the CHA YANG LEE LIVING TRUST dated 4/23/2015 (copy of Trust attached as Exhibit A); the Trustee is the son of Decedent, CHOU DOUA LEE; The CHA YANG LEE LIVING TRUST became irrevocable upon the death of CHA YANG LEE; The CHA YANG LEE LIVING TRUST has not completed administration, nor has any probate proceeding been filed in any Court regarding CHA YANG LEE'S estate; The CHA YANG LEE LIVING TRUST provides a special gift of the Trustor's [CHA YANG LEE'S] interest in the Yuba County real property asset of the estate of NHIA YER LEE to a third party, SAO V. YANG, Settlor's cousin, and PHANG YANG, her husband, or to the survivor of them; <p align="center">~Please see additional page~</p>	Accounting	-	\$319,500.00	Beginning POH	-	\$319,500.00	Ending POH	-	\$319,500.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 11B is the <i>Petition to Determine Ownership</i>.</p> <p>Continued from 2/22/2016. Minute Order states matter is continued to meet up with the <i>Petition to Determine Ownership</i> set for 3/15/2016.</p> <p>Note: Report of Status of Administration filed 2/8/2016 states the estate will not be in a position to be closed until the resolution of the <i>Petition to Determine Ownership</i>; following the Court's ruling on the <i>Petition to Determine Ownership</i>, the Administrator will be in a position to distribute and convey the real property, and the estate will be ready to be closed within less than 30 days thereafter.</p> <p align="center">~Please see additional page~</p>
Accounting	-		\$319,500.00									
Beginning POH	-		\$319,500.00									
Ending POH	-		\$319,500.00									
Cont. from 042315, 110215, 022216												
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<input checked="" type="checkbox"/>	FTB Notice											

Administrator states, continued:

- As Trustee of the Trust, **CHOU DOUA LEE** will petition this Court for an order compelling the Administrator of the Estate of **NHIA YER LEE** to convey the real property asset of the instant probate estate to the special gift beneficiary under the Trust, at such time as when the probate estate is ready to be closed;
- Petitioner believes that a petition under the authority of Probate Code § 850 will be submitted by the Trustee within a reasonable time following the status hearing in this probate matter;
- The estate will not be in a position to be closed until the resolution of the § 850 petition, as yet unfiled, seeking to compel the Administrator to transfer the estate real property asset to the Trust special gift beneficiary;
- Since **CHA YANG LEE** received Medi-Cal benefits at the end of her life, the § 850 petition will be required to provide notice of any hearing to the Director of Health Care Services;
- The Administrator estimates the filing of the § 850 petition within 30 days of the 9/30/2015 Status Hearing, and to have a hearing set on the Court's calendar;
- Following the hearing on the § 850 petition and an order thereon, the Administrator will file a petition for final distribution within 15 days thereafter.

NEEDS/PROBLEMS/COMMENTS, continued:

Note: The probate proceeding of the instant estate initiated on **5/5/2014**, and is represented to contain a sole asset: **100%** fee simple interest in real property in Yuba County located at 489 Silva Ave., Marysville, with title held by Decedent as his sole and separate property. *Petition* states that based upon all 8 children of Decedent having disclaimed their **1/12th** interest in the sole estate asset (the real property in Yuba County), the Decedent's surviving spouse, **CHA YANG LEE**, who died on **5/11/2015**, was the only heir at law claiming an interest in the Decedent's estate. Probate Code § 282(a) provides that the interest disclaimed shall descend, go, be distributed, or continue to be held as if the disclaimant had predeceased the creator of the interest. The effect of the disclaimers, coupled with the subsequent death of Decedent's spouse, is that pursuant to Probate Code §§ 6401 and 6402, the intestate heirs of Decedent's separate property are: (a) the Estate of **CHA YANG LEE** at **1/3** interest; and (b) all of the issue of the Decedent's 8 children at a total of **2/3** interest.

The following issues from the last hearing remain:

1. The Yuba County real property asset of the instant Estate of **NHIA YER LEE** is distributable to the Estate of **CHA YANG LEE** at **1/3** interest, and to all of the issue of the Decedent's 8 children at **2/3** interest, pursuant to the 8 disclaimers by Decedent's children filed on 3/9/2015. [Note: Assignments executed by the 8 children would have resulted in the entire real property interest passing to the Estate of **CHA YANG LEE**, as it appears was the intent.] Court records do not show a personal representative has been appointed for the Estate of **CHA YANG LEE** to receive distribution of **CHA YANG LEE'S 1/3** interest in the Yuba County real property.
2. Decedent's grandchildren who succeed to an undivided **2/3** interest in the estate real property are all minors. Local Rule 7.12.4(B) provides that where real property is to be distributed in undivided interests to minors, Petitioner must submit a detailed declaration documenting the need for such distribution and why it would be in the minors' best interests.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

3. Petition states the **CHA YANG LEE LIVING TRUST** was created by Decedent's spouse on **4/23/2015**. (The hearing date for the *First and Final Report of Administrator on Waiver of Account* filed 3/9/2015 for the instant estate was also **4/23/2015**, which was continued by attorney request and no appearance was required on that date.) The Trust lists on its *Schedule of Trust Assets* the same subject real property in Yuba County that is the sole asset of Decedent **NHIA YER LEE'S** estate. It appears the Probate Code § 850 petition that Petitioner states is contemplated by the Trustee of the **CHA YANG LEE LIVING TRUST dated 4/23/2015**, that will seek to convey the real property asset of the instant probate estate to the special gift beneficiary under the Trust, would be an improper petition based upon the fact that the Settlor **CHA YANG LEE** did not own the Yuba County real property or any interest in it on **4/23/2015** when it was purportedly transferred to her trust.

[Verified] Report of Status of Administration verified by Administrator and filed 2/8/2016 states:

- At the previous hearing on 11/2/2015, the Administrator advised the Court that the estate is not yet in a condition to be closed;
- Following the hearing on the *Petition by Administrator to Determine Ownership of Third Party and for Order Authorizing and Directing Conveyance of Real Property from Estate to Third Party* set for 3/15/2016, the estate will be in a condition to be closed;
- At the time of death, Decedent was a resident of Fresno County; he was survived by a spouse **CHA YANG LEE**, and his 8 natural children: **CHOU DOUA LEE, MAYBO LEE, EAGLE LEE, ANNIE LEE, MAI PADO LEE, KHOU LEE, PANA LEE, and LISA LEE**;
- The estate consists of the separate property of Decedent, a single asset parcel of real property on Silva Avenue in Yuba County California [*Decedent resided in and died in Fresno, hence the probate proceeding commenced in Fresno*];
- Decedent's heirs at law are his 8 children; each of his children disclaimed, and the children of each disclaimant, all of whom are the grandchildren of Decedent [*are listed in the chart on the Third Additional Page*];
- Decedent's spouse **CHA YANG LEE**, died 5/11/2015; prior to her death she established the **CHA YANG LEE LIVING TRUST dated 4/23/2015**; the successor and currently acting Trust is **CHOU DOUA LEE**, the son of Decedent and **CHA YANG LEE**;
- If the *Petition by Administrator to Determine Ownership of Third Party and for Order Authorizing and Directing Conveyance of Real Property from Estate to Third Party* set for 3/15/2016 is granted, the Administrator will convey the property [*subject to this proceeding*] to the third party named in the Petition;
- The property is the sole asset of the probate estate, and distribution of the property following the Court's ruling on the Petition will be the final step of administration;
- The estate will not be in a position to be closed until the resolution of the Petition; following the Court's ruling on the Petition, the Administrator will be in a position to distribute and convey the real property, and the estate will be ready to be closed within less than **30 days** thereafter.

Petitioner prays for an Order of the Court that the *Report of Status of Administration* be allowed and approved as filed.

~Please see additional page~

PROPOSED DISTRIBUTION CHART: Decedent's 8 children disclaimed their interests in the estate property; Decedent's post-deceased spouse and minor grandchildren now succeed to the estate property. For the purposes of determining proper distribution of the instant estate, the names, ages, and relationships to Decedent **NHIA YER LEE** of all of his intestate heirs are as follows:

1. One-third interest to Post-deceased spouse of Decedent: **CHA YANG LEE**
2. Two-thirds interest to minor grandchildren of Decedent:

Child of Decedent	Grandchild of Decedent	Grandchild of Decedent	Grandchild of Decedent
CHOU DOUA LEE (disclaimed)	ADEN LEE (age 16)	CALVIN LEE (age 11)	MADELYNN LEE (age 5)
ANNIE LEE (disclaimed)	KIMBERLINA XIONG (age 11)		
MAI PADO LEE (disclaimed)	EVELYN XIONG (age 8)	HUNTER XIONG (age 5)	TYTUS XIONG (age 2)
KHOU LEE (disclaimed)	ALVIN VUE (age 7)	KATARA VUE (age 3)	ELLESAH VUE (age 1)
PANA LEE (disclaimed)	DILYLAH THAO (age 4)	PAIGE THAO (age 2)	CARTER THAO (age 1)
MAYBO LEE (disclaimed)			
EAGLE LEE (disclaimed)			
LISA LEE (disclaimed)			

Attorney Eric R. Brown, of Carmichael (for Petitioner Lee X. Yang, Administrator)

**Petition by Administrator to Determine Ownership of Third Party and for Order
Authorizing and Directing Conveyance of Real Property from Estate to Third Party**

DOD: 1/16/2014		<p>LEE X. YANG, nephew and Administrator, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> At the time of Decedent's death on 1/16/2015, he held title to real property on Silva Avenue in Marysville, California (copy of Grant Deed dated 8/15/2011 and recorded on 8/18/2011, reflecting Decedent as grantee of title as his sole and separate property, Attached as Exhibit 1); The property has been inventoried as an asset of Decedent's estate; JASON YANG [any relationship to Decedent or Petitioner unstated] claims the right to title in the property, based on the facts set forth in the Declaration of Jason Yang [attached to the Petition]; In December 2011, Decedent entered into an oral joint venture business agreement with JASON YANG regarding the property; The joint venture business agreement was that Decedent would purchase the property, and legal title to the property would be vested in him, although both joint venturers would have an equal ownership interest in the property; JASON YANG would reside at the property and improve it, including construction repairs, maintenance, and landscaping, using his own funds, and would also pay property taxes and all costs, expenses, and taxes as required; <p><i>~Please see additional page~</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Petition</i> does not edify the Court on how this <i>Petition</i> squares with the original request in the <i>First Account and Report</i> to have the Decedent's property transferred to the Trust of CHA YANG LEE, the Decedent's post-deceased spouse (with its distinct beneficiaries.) Additionally, JASON YANG should have but did not file a creditor's claim in the instant estate pursuant to the procedures under Probate Code § 9100 et seq. It appears Probate Code § 9103 provides exceptions for a claim to property after the expiration of the time for filing a claim; however, <i>Petition</i> does not address the absence of a valid claim made by JASON YANG to the estate real property prior to the instant <i>Petition</i>, nor the non-disclosure of his claim by Petitioner in the <i>First Account and Report</i>. Further, it appears the <i>Petition</i> seeks a remedy more appropriately sought by a contract action. Petitioner cites Probate Code § 850 as the basis for requesting the Court convey the entire interest in the real property to JASON YANG. Pursuant to Probate Code § 856.5, the Court may not grant a petition under this chapter [Probate Code Chapter 3] if the Court determines that the matter should be determined by a civil action.</p>
Cont. from			
	Aff.Sub.Wit.		
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	Duties/Supp		
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	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/10/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11B- Lee</p>	

Petitioner states, continued:

- Decedent and **JASON YANG** planned to sell the property at a point in the future when the residential real estate market improved, and at which [time] it would become profitable, and would then recoup their respective costs and split the remaining profits from the sale proceeds;
- Decedent and **JASON YANG** were raised in the Hmong culture and are part of the larger Hmong community of northern California; a custom among the Hmong community is that joint venture agreements between each other do not involve spouses;
- In the case of the oral joint venture agreement between Decedent and **JASON YANG**, the parties agreed that in the event of one joint venturer's death, the surviving joint venturer would accede to the deceased joint venturer's interest, by right of survivorship;
- Decedent's spouse, **CHA YANG LEE**, agreed to this arrangement, as demonstrated by her execution and recordation of an Interspousal Transfer Deed (*copy of Interspousal Transfer Deed regarding the property executed by Cha Yang Lee on 8/15/2011 and recorded on 8/18/2011 is attached as Exhibit 2*);
- **LEE X. YANG** (Petitioner) and **JASON YANG** spoke on multiple occasions since Petitioner's 7/23/2014 appointment as Administrator of Decedent's estate about conveyance of the property to **JASON YANG**;
- **JASON YANG** advised Petitioner that he claimed title to the property as the surviving joint venturer of the 2011 joint venture agreement between Decedent and **JASON YANG**;
- At the time of Decedent's death, he was survived by his spouse **CHA YANG LEE** and his 8 children: **CHOU DOUA LEE, MAYBO LEE, EAGLE LEE, ANNIE LEE, MAI PADO LEE, KHOU LEE, PANA LEE, and LISA LEE**;
- Decedent's spouse **CHA YANG LEE**, died 5/11/2015; prior to her death she established the **CHA YANG LEE LIVING TRUST dated 4/23/2015**;
- [**CHOU DOUA LEE, the son of Decedent and CHA YANG LEE**], who is the Trustee of the Trust, agrees to the conveyance of the property to **JASON YANG** as the Trustee of his mother's Trust, and acknowledges the claim of right to ownership of the property by **JASON YANG** and agrees to the transfer of the property to **JASON YANG**;
- Although each of Decedent's children disclaimed, each of them desire for the property to be conveyed to **JASON YANG**, and would not have executed disclaimers if they had known it would impede the transfer of the property to **JASON YANG**;
- Each of the 8 children of Decedent filed disclaimers; each child has submitted a *Declaration [attached to the instant Petition]* acknowledging the claim of right to ownership of the property by **JASON YANG** and indicating their desire to have the property transferred to **JASON YANG**; each disclaimant indicates the reason they disclaimed was to facilitate the transfer of the property to **JASON YANG**; each disclaimant indicates that they would not have disclaimed if he or she believed it would not have facilitated the transfer of the property to **JASON YANG**;
- The disclaimants who have children do not want their children to have an ownership interest in the property because it would not facilitate Decedent's intent to transfer to **JASON YANG**, and the parents do not want their children to have duties and obligations of owning a fractional interest in real property.
- Petitioner requests pursuant to Probate Code § 850(a)(2)(C) that the Court order Petitioner to convey title to the property to **JASON YANG**.

Petitioner prays for an Order:

1. Determining that **JASON YANG** is the true owner of the property; and
2. Authorizing and directing Petitioner to transfer and convey the property to **JASON YANG**, and to execute any documents necessary in order to fully complete the conveyance.

~Please see additional page~

Declaration of Jason Yang states in brief sum: He resides at the estate real property located in Marysville; in 2011 he entered into an oral agreement with Decedent in which Decedent would purchase the real property and title would be vested in Decedent; he would reside at the property and improve it; we agreed Decedent's spouse would execute an interspousal transfer deed for Decedent to own the property as his sole and separate property; it was his understanding and expectation after Decedent die that he would become the owner of the entirety of the property; he did not know how to ensure that title would become vested in him, so he spoke with Decedent's surviving spouse about the property and she advised him that she was going to inquire about resorting to the jurisdiction of the probate court, but reassured me that she understood that whatever title to the property that Decedent owned would be transferred to him; he spoke to the Administrator/Petitioner many times since his appointment and told Petitioner of the joint venture and that he intended to assert his right to own the property; he asked Petitioner if there was anything he needed to do in order to ensure Decedent's ownership interest in the property would be transferred to him, and Petitioner told him that he was aware of the joint venture agreement and that Decedent's spouse and all of his children were aware also; Petitioner told him that Decedent's spouse and children agreed that he should receive ownership of the property based on his status as surviving joint venture.

Declaration of Chou Doua Lee states in sum: He is the eldest son of Decedent and Decedent's surviving spouse **CHA YANG LEE** and the Trustee of the **CHA YANG LEE LIVING TRUST dated 4/23/2015**; Decedent was the record legal owner of the real property in Marysville; he is in agreement with the Petition seeking an order from this Court to convey title to the property from his father's estate to **JASON YANG**; he was aware of his father's oral joint venture business agreement with **JASON YANG**; it was his understanding that upon future sale of the property, his father and **JASON YANG** would recoup their respective costs and divide the profits from the sales proceeds; he is aware that when his father and **JASON YANG** entered their agreement, they intended that although his father would hold legal title to the property, the parties considered the property to be a jointly owned asset; in the event of one joint venturer's death, the surviving joint venturer would become sole owner of the entirety of the property; he understood that the agreement included that the spouse of either party would not become the owner of the deceased joint venturer's interest through any assertion of community property interest; that is why his mother executed the interspousal transfer deed that pertained to the property; by executing the disclaimers, he and his siblings intended to allow title of the property to be transferred to his mother in the probate action, so that she could transfer title at the end of the probate action to **JASON YANG**; they have since learned that executing the disclaimers was not the way to transfer title to the property to **JASON YANG**, and they would not have executed the disclaimers if they had known that prior to doing so.

		NEEDS/PROBLEMS/COMMENTS: <u>Off Calendar.</u> <u>Minute Order of 03/03/2016</u> <u>continued this petition to</u> <u>03/28/2016.</u>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
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<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: LV
		Reviewed on: 03/10/2016
		Updates:
		Recommendation:
		File 12- Keehn

14 Geno Andrew Nonini (Estate) Case No. 14CEPR00970**Attorney Simonian, Jeffrey D (for Christina Nonini Pericas and Martin A. Nonini)****Order to Show Cause RE: Failure to File the First or Final Account**

DOD: 09/05/13	CHRISTINA NONINI PERICAS and MARTIN A. NONINI , were appointed Co-Administrators with will annexed on 12/09/14.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	Letters issued on 12/10/2014	
Aff.Sub.Wit.	Inventory & Appraisal , Final, filed 08/26/15 - \$628,573.00	Reviewed by: LV Reviewed on: 03/10/2016 Updates: Recommendation: File 14- Nonini
Verified	Minute Order of 02/02/2016 set this Order to Show Cause Re: Failure to File the First and/or Final Account.	
Inventory	Minute Order states – No Appearances – the Court issues an Order to Show Cause to Jeffrey D. Simonian as to why he should not be sanctioned \$250 for his failure to appear today, and to Christina Pericas and Martin Nonini as to why they should not be removed as Co-Administrators for their failure to file the first or final account. Mr. Simonian, Christina Pericas, and Martin Nonini are each ordered to be personally present in court or appear via CourtCall on 03/15/2016.	
PTC	Clerk's Certificate of Mailing indicates that the Minute Order of 02/02/2016 was mailed to Attorney Jeffrey Simonian, Esquire; Christina Pericas, and Martin Nonini on 02/02/2016.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

15 Carmen Alvarado Moreno (Estate) Case No. 14CEPR01001

Attorney Fanucchi, Edward L. (for Carmen C. Moreno – Executor)

Probate Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 08/30/1996	CARMEN C. MORENO , daughter, was appointed Executor with full IAEA authority without bond on 01/06/2015.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account or Petition for Final Distribution.
	Letters issued on 01/14/2015.	
Cont. from		
Aff.Sub.Wit.	Final Inventory and Appraisal filed	
Verified	04/21/2015 shows an estate valued at	
Inventory	\$65,000.00.	
PTC	Minute Order of 12/06/2014 set this status	
Not.Cred.	hearing for the filing of the First Account	
Notice of Hrg	and/or Petition for Final Distribution.	
Aff.Mail	Status Report Regarding the Filing of the First and Final Account and Report of Executor filed 02/29/2016 states the estates is currently	
Aff.Pub.	not in a position to be closed. The main	
Sp.Ntc.	asset of the estate is real property located at	
Pers.Serv.	615 E Springfield, Fresno, Ca. This property is	
Conf. Screen	currently in escrow with Stewart Title and	
Letters	escrow is scheduled to close on or after	
Duties/Supp	04/06/2016. A Notice of Proposed Action	
Objections	regarding this matter was filed with this Court	
Video Receipt	on 02/22/2016, outlining the details of the	
CI Report	sale. In addition, recently a supplemental	
9202	Inventory and Appraisal was sent to the	
Order	probate referee, Rick Smith, for review and	
Aff. Posting	appraisal of several music and lyrical	
Status Rpt	copyrights that are subject to this probate.	
UCCJEA	This supplemental inventory and appraisal	
Citation	will be filed as soon as it is returned from the	
FTB Notice	probate referee.	
	Therefore, it is respectfully requested that this	
	matter be continued for 90 days to allow	
	time for the escrow to close on the real	
	property and to allow time for the executor	
	to file a first and final account.	

Reviewed by: LV
Reviewed on: 03/10/2016
Updates:
Recommendation:
File 15- Moreno

16 Harold Davis (CONS/PE) Case No. 14CEPR01024

Attorney Kruthers, Heather H (Public Guardian)

Probate Status Hearing Re: Filing of the First Account

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>Order on First and Final</u> <u>Account filed 02/10/2016.</u>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/10/2016
		Updates:
		Recommendation:
		File 16- Davis

DOD: 03/26/2014	RAMON GUIBA , spouse, petitioned the Court to be appointed as Administrator. An Objection was filed by Angela Burke, daughter.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 083115, 022216	PUBLIC ADMINISTRATOR , was appointed pursuant to the minute order of 04/06/2015. Minute Order states: The Court has serious concerns about the abilities of Ramon Guiba to properly execute the demands of a Personal Representative and appoints the Public Administrator forthwith. The Court orders Ramon Guiba and Angela Burke to cooperate with the Public Administrator and turn over any and all estate documents.	Page 17B is the Petition for Order Directing Transfer of Property to the Estate filed by Mr. Fanucchi.
Aff.Sub.Wit.		Minute Order of 02/22/2016: Matter is continued to meet up with the Petition for Order Directing Transfer of Property set for 03/15/2016.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Report of Administration and Request to Close Estate and Discharge of the Public Administration filed 08/28/2015 (for 08/31/2015 hearing) states the decedent's surviving spouse, Ramon Guiba, filed a petition for probate on 11/12/2014. The decedent's daughter, Angela Burke filed an objection on 01/22/2015. The Court denied Mr. Guiba's petition and appointed the Public Administrator on 04/06/2015.</p> <p>The first basis for Ms. Burke's objection is that Mr. Guiba was not capable of acting as personal representative. The Court agreed, and did not appoint him. The second was there are no assets in the estate, and so probate administration is not necessary. The Public Administrator agrees with the objector.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	<p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
		Reviewed by: LV
		Reviewed on: 03/10/2016
		Updates:
		Recommendation:
		File 17A - Guiba

Continued from previous page: On 02/09/2015, attorney Edward L. Fanucchi filed a status report, indicating some assets that may belong to the estate. Specifically, he refers to a timeshare in Hawaii. Mr. Fanucchi stated that letter was sent to the company inquiring the value of any property in December 2014. Mr. Guiba filed a supplement to his petition on 02/26/2015 again stating that no information was provided supporting argument that the decedent owned timeshare in Hawaii. It has been eight months since the letter was sent and six months since Mr. Guiba's last report, and neither he nor Mr. Fanucchi has provided any additional information regarding a possible timeshare.

Paragraph 6 of Mr. Fanucchi's status report alleges that the decedent's daughter removed items from the house. He has provided no evidence of that. However, even if he could provide proof that particular items were taken, they surely would not be valuable enough (based upon what he listed) to require opening of a probate.

In his declaration of 02/26/2015, Mr. Guiba alleged that the decedent owned an interest in D. Danz & Sons, Inc. Ms. Burke filed a response on 03/06/2015 asserting that her mother, the decedent, relinquished her interest in the property after the decedent was divorced from Ms. Burke's father. The fact that the decedent continued to work for the business is not sufficient evidence that she still owned an interest. In addition, the decedent's mother, Patricia Rader filed a declaration stating that she found and later shredded the relinquishment, assuming it was no longer needed. Ms. Rader does not benefit from the decedent's estate by making the assertions that she did in her declaration. Thus, there is no reason for the Public Administrator to believe that Ms. Rader's declaration stating there was a relinquishment is not truthful.

Having researched this case and determining there are no assets to probate, the Public Administrator requests that this matter be closed and she be discharged as Administrator.

17B Melissa Dale Guiba (Estate) Case No. 14CEPR01033**Attorney Fanucchi, Edward L. (for Ramon Guiba – Petitioner)****Attorney Kruthers, Heather H (Public Administrator)****Attorney Burnside, Leigh W.; Marshall Jared C. (for Antonio L. Alcorta – Objector)****Petition for Order Directing Transfer of Property to the Estate**

DOD: 03/26/2014	RAMON GUIBA , is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Petitioner states: he is a person who is interested in the estate of Melissa Dale Guiba, deceased, by virtue of having an interest in the estate as the decedent's spouse. The Decedent died on 03/26/2014. At the time of her death she held a one-half interest of the business known as D. Danz and Sons, Inc., pursuant to the Judgment (Family Law) entered on 07/05/1990, in Fresno Superior Court, Case No. 343241-6 ("Judgment"), at Paragraph III(5) of the Marital Settlement Agreement (Attached to the Judgment as Exhibit "A"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference. In addition, pursuant to Paragraph II(1)(b) of the Marital Settlement Agreement attached to the Judgment, the decedent was granted all interest in all life insurance policies insuring Wife's (the Decedent's) life. At the time of death, the Judgment was still in full force and effect and had not been modified or rescinded in any matter.</p> <p>Antonio L. Alcorta hold possession to certain assets that belong to the decedent's estate, more particularly described as follows:</p> <ul style="list-style-type: none">A. The Decedent's one-half interest in D. Danz and Sons, Inc.B. Proceeds paid out on April 30, 2014, by Protective Life Insurance Company, Insured: Melissa Guiba, Policy No. E00281542. (A copy of a letter from the Benefits Department of Protective Life Insurance Company dated April 8, 2015, is attached hereto as Exhibit "B"). <p><u>Please see additional page</u></p>	<p>1. Need Order.</p>
		Reviewed by: LV
		Reviewed on: 03/10/2016
		Updates:
		Recommendation:
		File 17B- Guiba

17B

It is petitioner's contention that the assets listed in Paragraph 5 are assets of the decedent's estate. Although the life insurance policy was not taken out on the decedent until 01/01/2003, some 13 years after the Judgment was issued, the policy was taken out by the ex-husband, Antonio L. Alcorta, so that if anything happened to the decedent, he would be able to buy-out the one-half interest of the decedent in the business known as D. Danz and Sons, Inc. The buy-out for the decedent's one-half interest would be payable to her estate. This policy was specifically taken out on the decedent's life for the specific purpose of buy out the decedent's interest in the business. This is the only reasonable explanation of why Antonio L. Alcorta would take out a life insurance policy of this magnitude on an ex-spouse's life. It is unreasonable to assume that Antonio L. Alcorta would receive the decedent's interest in the business known as D. Sanz and Sons, Inc., as well as the proceeds of a \$1,000,000.00 life insurance policy.

Wherefore, Petitioner prays for an order as follows:

1. Directing Antonio L. Alcorta to transfer or convey this property to the personal representative of this estate, and to execute any documents necessary in order to fully complete the transfer or conveyance;
2. Directing Antonio L. Alcorta to immediately deliver possession of the property described in Paragraph 5 above to the personal representative of the estate; and
3. For such other orders as the court deems proper.

Objection to Petition for Order Directing Transfer of Property to the Estate filed by Attorneys Leigh W. Burnside on 03/11/2016 states Antonio L. Alcorta (Respondent) respectfully submits the following objection to the Petition for Order Directing Transfer of Property to the Estate filed by Petitioner Ramon Guiba (Petitioner) and alleges as follows:

1. Respondent admits the allegations contained in paragraph 1 of the Petition.
2. In response to the allegations in Paragraph 2 of the Petition, Respondent admits that Decedent Melissa Dale Guiba died on 03/26/2014. However, Respondent denies each and every remaining allegation contained in paragraph 2 of the Petition. Decedent voluntarily transferred her on-half interest in the business known as D. Danz and Sons, Inc., to Respondent in 1993, many years prior to her death.
3. Respondent admits that Paragraph II(1)(b) of the marital settlement agreement attached to the judgment of dissolution, which is attached to the Petition as Exhibit A, states: (1) TO WIFE...(b.) All life insurance policies insuring Wife's life." Respondent denies the implication, if any, that Paragraph II(1)(b) applies to any life insurance policies acquired after the date of the judgment of dissolution.
4. In response to the allegations in paragraph 4 of the Petition, Respondent admits that the judgment of dissolution was still in effect at the time of Decedent's death; however, Respondent asserts that (a) Decedent transferred all of her interest in D. Danz and Sons, Inc., to Respondent in 1993, and (b) the terms of the Judgment of dissolution did not apply to any after-acquired life insurance policies.
5. Respondent denies each and every allegation contained in paragraph 5 of the petition. Respondent is not in possession of any assets belonging to the Decedent's estate.

Please see additional page

6. Respondent denies each and every allegation contained in the subparagraph 5(A) of the Petition. Decedent transferred her one-half interest in the business known as D. Danz and Sons, Inc., to Respondent in 1993. Decedent had no ownership interest in the business at the time of her death and, as such, no such interest belongs in her estate.
7. Respondent denies each and every allegation contained in subparagraph 5(B) of the Petition. Any proceeds paid out on April 30, 2014, by Protective Life Insurance Company pursuant to the terms of Policy No. E00281542, are property of the designated beneficiaries of that policy. As such, no interest belongs to Decedent's estate.
8. Respondent denies each and every allegation contained in paragraph 6 of the Petition. Decedent transferred her one-half interest in the business known as D. Danz and Sons, Inc., to Respondent in 1993. The life insurance policy in question, which was purchased after the date of the marital settlement agreement and after the dissolution of Decedent and Respondent's marriage, was procured as part of Decedent's and Respondent's long-standing practice of ensuring their children would be cared for after the deaths of their parents.

First Affirmative Defense (Statute of Limitations): Petitioner's claims are barred by any and all applicable limitations, including but not limited to those codified in California Code of Civil Procedure sections 337 and 339.

Second Affirmative Defense (Laches): Petitioner's claims are barred by the equitable doctrine of laches. Petitioner knew or should have known of Decedent's transfer of her interest in D. Danz and Sons, Inc., in 1993. By failing to take any action until 2016, Petitioner has prejudiced Respondent due to the fact that the document evidencing the transfer has since been inadvertently destroyed by a third-party.

Third Affirmative Defense (Waiver): Petitioner's claims are barred by the equitable doctrine of waiver. Petitioner knew or should have known that Decedent transferred her interest in D. Danz and Sons, Inc. in 1993. By failing to take action until 2016, Petitioner has waived any right to challenge the transfer.

Fourth Affirmative Defense (Consent): Petitioner's claims are barred by the equitable doctrine of consent. Petitioner, as Decedent's surviving spouse, enjoyed any benefit received by Decedent as a result of her transfer of her interest in D. Danz and Sons, Inc. Having received the benefit of that transaction, Petitioner is now precluded from challenging the transaction.

Fifth Affirmative Defense (Estoppel): Petitioner's claims are barred by the equitable doctrine of estoppel. Petitioner, as Decedent's surviving spouse, enjoyed any benefit by Decedent as a result of her transfer of her business interest in D. Danz and Sons, Inc. Having received the benefit of that transaction, Petitioner is now precluded from challenging the transaction.

Sixth Affirmative Defense (Offset): To the extent Petitioner's claims under Probate Code §850 are enforceable, Respondent is entitled to an offset in an amount according to proof, but no less than the amount of consideration remitted to Decedent for her interest in D. Danz and Sons, Inc.

Wherefore, Respondent respectfully prays for and order:

1. Denying the petition;
2. Finding the Decedent's estate has no interest in D. Danz and Sons, Inc.;
3. Finding that proceeds of Protective Life Insurance Company Policy No. E00281542 are not property of Decedent's estate;
4. Awarding Respondent his costs incurred herein; and
5. Granting any and all other relief the Court deems just and proper.

18 Bri'leeah Cooks (GUARD/P) Case No. 15CEPR00666

Petitioner Morson, Areka (pro per – paternal grandmother)

Petition for Appointment of Guardianship of the Person

		<u>TEMPORARY EXPIRES 02/02/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		AREKA MORSON , paternal grandmother, is Petitioner.	<p>Minute Order of 02/02/2016: Examiner notes provided in open Court. The Court views a text message to Desire Hernandez, mother, and finds substantial compliance as to notice for Ms. Hernandez. The paternal grandfather and maternal grandparents still need to be properly noticed.</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> Deric Cooks (Paternal Grandfather) – Unless the Court dispenses with notice. Maternal Grandfather (Not Listed) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 03/01/2016.</p> <p>Note: Declaration of Due Diligence filed 03/01/2016.</p>
		<u>Please see petition for details</u>	
Cont. from 090815, 102715, 120815, 020216			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 03/10/2016
			Updates:
			Recommendation:
			File 18 – Cooks

Attorney
Attorney

Harris, Richard A. (for Mary Murray – Beneficiary – Petitioner)
Willoughby, Hugh (for Dale Murray Sullivan)

Petition (1) for Removal of Trustee; (2) for Damages for Breach of Trust; (3) to Compel Trust Accounting; and (4) Objection to Accounting (Prob. Code §§ 17200, 16063)

John F. Murray DOD: 12/17/03		MARY MURRAY, Beneficiary, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		<p>Petitioner states Settlor John F. Murray executed the trust on 5/26/00 and amended one time on 6/19/02. The trust designated Settlor and DALE MURRAY SULLIVAN to act as co-trustees. Settlor died 12/17/03 and since his death, Dale Murray Sullivan has acted as sole trustee.</p>		<p><u>Continued from 1/12/16 per stipulation. As of 3/9/16, nothing further has been filed. The following issues remain noted:</u></p>	
Cont'd from: 102715, 011216				<p>Note: Although Mr. Willoughby signed a stipulation to continue the matter, no formal appearance has been made by Mr. Willoughby or his client Dale Murray Sullivan.</p>	
	Aff.Sub.Wit.			<p>1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §16061.7 with reference to Exhibit C, a copy of the notice provided by the trustee in 2004 listing the trustee's address in Fresno.</p>	
✓	Verified			<p>However, Exhibit D, an expense itemization provided by the trustee in 2005, indicates an address in Sioux Falls, South Dakota, and Petitioner provides a current address for the trustee in San Antonio, Texas.</p>	
	Inventory			<p>Therefore, need clarification as to why Fresno County is proper venue pursuant to Probate Code §§ 17002, 17005.</p>	
	PTC			<p>2. The Court may require further authority as to why §17200(b)(7) should not apply. It appears Petitioner has not had contact with the trustee for 10 years and has not made formal written request to the trustee for the information requested; therefore this petition may be filed prematurely.</p>	
✓	Notice of Hrg			<p>Reviewed by: skc</p>	
✓	Aff.Mail	w		<p>Reviewed on: 3/9/16</p>	
	Aff.Pub.			<p>Updates:</p>	
	Sp.Ntc.			<p>Recommendation:</p>	
	Pers.Serv.			<p>File 19 – Murray</p>	
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Petitioner states in December 2005, the trustee sent a letter to beneficiaries outlining expenses, transactions and income of the trust estate. Petitioner alleges the letter is not a legally sufficient account of trust activities and fails to contain information required by Probate Code §16063. Petitioner object to the account and also objects to the fees claimed by the trustee of \$15,000. Petitioner states the account fails to justify the fees and the fees are excessive and should be disallowed.

Exhibit D states the trustee is retaining a reserve of \$55,540.85 for legal fees and final estate tax payments, and states the trust will have additional projected income of \$15,000 for the Palm Canyon Closing Payment, and will also have continuing income of \$4,200/yr. However, despite these statements, there have been no payments to the beneficiaries since December 2005, almost 10 years ago.

Based on the reserve, the expected payment, and projected income over the last 10 years, the trustee is believed to have retained and spent trust money of \$112,000 or more.

SEE PAGE 2

Page 2

Petitioner alleges that the requirements of Probate Code §17200(b)(7) of a written request, a 60-day wait, and lack of account within the precedent six months should not apply when a breach of trust may have occurred, especially when more than \$100,000 has disappeared without explanation.

Petitioner states she has received and is in possession of a check dated 7/15/15 from HMS-Palm Springs in the sum of \$39,600 made out to John F. Murray. Petitioner has been unsuccessful in contacting HMS-Palm Springs to determine the reason for the check and/or to find out what other payments have been made since the death of the settlor.

Petitioner prays for an order:

- 1. Instructing Dale Murray Sullivan to prepare and file with this court an account for the John F. Murray Living Trust from the date of death, or alternatively, should the Court find Exhibit D to be a legally sufficient account, from the end date of Exhibit D;**
- 2. Instructing Dale Murray Sullivan to petition this court for settlement of the account;**
- 3. Removing Dale Murray Sullivan as trustee;**
- 4. Finding that Dale Murray Sullivan as trustee has breached the trust and that she is liable for all resulting damages;**
- 5. Sustaining Petitioner's objections to the account;**
- 6. Surcharging the trustee for damages and for all improper payments; and**
- 7. For any additional orders the court deems appropriate.**

Attorney: Flora Istanbulian (petitioner/court appointed attorney for conservatee)

Attorney: Heather H. Kruthers (for Conservator/Public Guardian)

Petition for Attorney's Fees

			FLORA ISTANBOULIAN , petitioner was Court appointed to represent the Conservatee on 11/3/15.	NEEDS/PROBLEMS/COMMENTS:
			PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 12/16/15.	
Cont. from			Petitioner requests fees in connection with the representation of the Conservatee for DeeAnn Doyle and John Doyle's petition to have the Public Guardian appointed a conservator of the person and estate.	
	Aff.Sub.Wit.			
✓	Verified		Petitioner asks that she be paid from the conservatorship estate for 6.5 hours @ \$250.00 per hour for a total of \$1,625.00 and for costs of \$435.00.	
	Inventory			
	PTC		Services are itemized by date and include review of documents, visits with client, and court appearances.	
	Not.Cred.			
✓	Notice of Hrg		Petitioner further request that her services as attorney for the conservatee be terminated.	
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 3/10/16	
			Updates:	
			Recommendation:	
			File 20- Doyle	

Petitioner; Sharon Lynette Jones (Pro Per)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY – not requested	NEEDS/PROBLEMS/COMMENTS:
		SHARON JONES , maternal grandmother, is petitioner	1. Need Notice of Hearing. 2. Need proof of personal service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: a. Father 3. Need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: a. Paternal grandfather b. Paternal grandmother 4. Petition lists brother/sister Dakota Williams. If sibling is 12 years or older, need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian on: a. Dakota Williams
Cont. from		See petition for details.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 3/10/2016
			Updates:
			Recommendation:
			File 21- Williams

Petitioner: Victoria Madrid (Pro Per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 3/15/2016	NEEDS/PROBLEMS/COMMENTS:
		VICTORIA MADRID , maternal aunt, is petitioner	<p>1. Declarations of due diligence filed on paternal grandmother and paternal grandfather. If Court does not excuse notice need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the petition for appointment <u>or</u> consents and waivers of notice on:</p> <p>b. Gilbert Murrieta (paternal grandfather)</p> <p>c. Dolores Pastore (paternal grandmother)</p> <p>5. Petition lists four siblings. If siblings are 12 years or older, need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the petition for appointment <u>or</u> consents and waivers of notice:</p> <p>a. Inez Guzman</p> <p>b. Mary Jane Alvarez</p> <p>c. X'ayvier Alvarez</p> <p>d. Lorenzo Guzman-Murrieta</p> <p>6. UCCJEA is incomplete re: residence information of minor from 1/10/2016 to present.</p>
		See petition for details.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 3/11/2016
			Updates:
			Recommendation:
			File 22- Guzman

23 Bob Mugrdechian and Norma Der Mugrdechian Declaration of Trust
8/31/1998 **Case No. 16CEPR00105**
Attorney: Robyn L. Esraelian (for Petitioners Katherine (Zaroohi) Der Mugrdechian, Van Der
Mugrdechian, Bob Mugrdechian, Jr., and Barlow Der Mugrechian)

**Petition for Order Confirming that Property is a Trust Asset (Probate Code
Sections 17200 and 850)**

		<p>KATHERINE (ZAROOHI) DER MUGRDECHIAN, VAN DER MUGRDECHIAN, BOB MUGRDECHIAN, JR., and BARLOW DER MUGRECHIAN, co-trustees, are petitioners.</p> <p>Petitioners allege:</p> <p>The Trust was established by BOB MUGRDECHIAN and NORMA DER MUGRDECHIAN, as trustors on 8/31/1998.</p> <p>Norma Der Mugrdechian died on 12/19/1999.</p> <p>Bob Mugrdechian died on 12/24/2015.</p> <p>In Article One of the Trust instrument, the Trustors declared that they "have transferred and delivered to the trustee . . . all property set forth and described in Schedule A attached hereto and incorporated herein by this reference."</p> <p>Schedule A attached to the trust, included a description of the Trustors' personal residential real property.</p> <p>In 2004, the Surviving Trustor, Bob Mugrdechian, sole the personal residential owned by the trust and replaced it with the real property designed to be his personal residential real property.</p> <p>Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. No written documentation has been provided to show that Bob Mugrdechian intended the subject real property to be included in the trust. The trust instrument lists specific property on schedule A. The trust instrument does not include any statement indicating additional property not specifically listed would become part of the trust.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 3/10/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23- Mugrdechian</p>	

23 Bob Mugardechian and Norma Der Mugardechian Declaration of Trust
8/31/1998 Case No. 16CEPR00105

Through inadvertence and error, the Surviving Trustor, BOB MUGRDECHIAN failed to instruct the title company to title the replacement real property in the name of the Trust. At all times, the Surviving Trustor, BOB MUGRDECHIAN, intended the replacement property to be held in the name of the trust and believed the replacement real property was titled in the name of the trust.

A declaration by the owner that he/she holds the property in trust is sufficient to create a trust that holds the property. The courts have held that a written declaration of trust by the owner of real property is sufficient to create a trust in that property, and a transfer of title is unnecessary when a Trustor declares herself to be the Trustee of her own property (*In re: Estate of Powell* (2000) 83 Cal. App. 4th 1434; *Estate of Heggstad* (1993) 16 Cal. App 4th 948).

Petitioners are informed and believe that it was the Trustor's intention and understanding that the real property described in Exhibit "B" herein was to be held in the trust. Therefore, Petitioners believe that the real property described in Exhibit "B" herein is subject to their control as Trustees.

Petitioners request this Court confirm that the real property described in Exhibit "B" herein is an asset of the Trust, and is under the control of Petitioners as Co-Trustees.

Petition for Appointment of Temporary Guardian of the Person

		<u>GENERAL HEARING IS 5/2/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		KATHLEEN V. KANALEY, paternal grandmother, is petitioner.	7. Need Notice of Hearing.
		See petition for details.	8. Need proof of personal of the Notice of Hearing along with a copy of the Temporary Petition for Appointment of Guardian at least 5 court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: a. Tyler Kanaley (father)
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 3/9/2016
			Updates:
			Recommendation:
			File 24- Kanaley

Attorney: Heather H. Kruthers (for Public Guardian – Petitioner)

Attorney: Lisa Horton (for Conservatee)

Petition for Appointment of Temporary Successor Conservator

			<u>GENERAL HEARING IS 4/13/2016</u>		NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 3/7/2016. 1. Need proof of personal service with 5 days notice of Notice of Hearing with copy of the temporary petition on proposed conservatee pursuant to Probate Code 2250.2(c).
			PUBLIC GUARDIAN , Conservator of the estate, is petitioner See petition for details.		
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
	Conf. Screen				
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
			Reviewed by: SEF		
			Reviewed on: 3/10/2016		
			Updates:		
			Recommendation:		
			File 25- Moreno-Long		